

Forty-eighth Legislature
Second Regular Session

COMMITTEE ON ENVIRONMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2024

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 5, chapter 3, article 3, Arizona Revised Statutes,
3 is amended by adding section 5-326, to read:

4 5-326. Carbon monoxide warnings

5 A. ANY NEW OR USED MOTORIZED WATERCRAFT THAT IS SOLD IN THIS STATE
6 SHALL DISPLAY A CARBON MONOXIDE WARNING STICKER THAT IS APPROVED OR DEVELOPED
7 BY THE DEPARTMENT. THE WARNING STICKER SHALL BE AFFIXED BOTH NEAR THE
8 OPERATOR'S CONTROLS AND AT THE REAR OF THE WATERCRAFT. IF THE WATERCRAFT IS
9 EQUIPPED WITH A SWIM PLATFORM, SWIM LADDER OR SWIM STEP, THE REAR WARNING
10 STICKER SHALL BE AFFIXED NEAR THE SWIM PLATFORM, SWIM LADDER OR SWIM STEP.

11 B. PERSONS WHO ARE DOING BUSINESS AS MARINE DEALERS AND WHO ARE
12 LICENSED AS MARINE DEALERS BY THIS STATE SHALL INCLUDE A CARBON MONOXIDE
13 BROCHURE IN THE OWNERSHIP DOCUMENTS THAT ARE DELIVERED TO THE BUYER AT THE
14 TIME OF SALE AND SHALL ENSURE THAT THE CARBON MONOXIDE WARNING STICKERS ARE
15 AFFIXED TO THE WATERCRAFT IN THE MANNER PRESCRIBED IN SUBSECTION A BEFORE THE
16 COMPLETION OF THE SALES TRANSACTION OF A NEW OR USED MOTORIZED WATERCRAFT.

17 C. IF A PERSON WHO IS NOT A MARINE DEALER SELLS A NEW OR USED
18 MOTORIZED WATERCRAFT, THE DEPARTMENT SHALL INCLUDE A CARBON MONOXIDE BROCHURE
19 AND THE WARNING STICKERS PRESCRIBED IN SUBSECTION A IN THE REGISTRATION
20 MATERIALS PROVIDED TO THE NEW OWNER OF THE MOTORIZED WATERCRAFT. THE
21 DEPARTMENT SHALL NOTIFY THE NEW OWNER OF THE MOTORIZED WATERCRAFT THAT THE
22 WARNING STICKERS MUST BE AFFIXED TO THE WATERCRAFT IN THE MANNER PRESCRIBED
23 IN SUBSECTION A.

24 D. THE DEPARTMENT SHALL APPROVE A CARBON MONOXIDE WARNING STICKER THAT
25 HAS BEEN APPROVED BY THE UNITED STATES COAST GUARD FOR SIMILAR USES IN OTHER
26 STATES.

27 E. THE DEPARTMENT MAY APPROVE CARBON MONOXIDE WARNING STICKERS
28 DEVELOPED BY MANUFACTURERS OF MOTORIZED WATERCRAFT.

1 F. BEGINNING _____, 2008, THE DEPARTMENT SHALL PROVIDE CARBON
2 MONOXIDE BROCHURES AND CARBON MONOXIDE WARNING STICKERS TO THE REGISTERED
3 OWNERS OF EACH MOTORIZED WATERCRAFT IN THIS STATE.

4 Sec. 2. Section 5-341, Arizona Revised Statutes, is amended to read:

5-341. Negligent operation of watercraft or water skis;
restriction in operation of watercraft; violation;
classification

8 A. No person shall operate a watercraft in a careless, reckless or
9 negligent manner.

10 B. A person shall not operate a watercraft while allowing a person to
11 ride on the gunwales, the transom or the decked over bow of a watercraft
12 propelled by machinery operating in excess of wakeless speed except if:

13 1. That portion of the watercraft was designed and constructed for the
14 purpose of carrying passengers at all speeds.

15 2. The watercraft is being maneuvered for anchoring, mooring or
16 casting off moorings.

17 C. No watercraft shall be operated with a passenger or passengers on
18 the bow in such a manner as to obstruct the view of the operator.

19 D. No person on water skis, a surfboard or a similar contrivance shall
20 behave in a careless, reckless or negligent manner.

21 E. Except in case of emergency, no person under the age of twelve
22 years may operate a watercraft propelled by a motor of greater than eight
23 horsepower unless the person's parent or legal guardian or at least one
24 person who is eighteen years of age or older is present on the watercraft.

25 F. Except as provided in subsection E, it is unlawful for any person
26 to allow another person under the age of twelve to operate a motor-powered
27 watercraft.

28 G. A PERSON SHALL NOT DO ANY OF THE FOLLOWING IMMEDIATELY BEHIND A
29 MOTORIZED WATERCRAFT WHILE THE ENGINE IS IN OPERATION:

- 30 1. OCCUPY THE SWIM PLATFORM, SWIM LADDER OR SWIM STEP.
31 2. SWIM IMMEDIATELY NEAR THE WATERCRAFT'S EXHAUST PORTS.

1 3. HANG ONTO THE SWIM PLATFORM, SWIM LADDER OR SWIM STEP WHILE THE
2 WATERCRAFT IS IN MOTION.

3 4. BODY SURF IN THE WAKE OF THE WATERCRAFT.

4 G. H. A person violating subsection A, B, C, ~~or~~ D OR G is guilty of a
5 class 2 misdemeanor.

6 Sec. 3. Section 5-391, Arizona Revised Statutes, is amended to read:

7 5-391. Enforcement; violation; classification

8 A. Any person who violates any provision of this chapter, except
9 section 5-341, subsection A, B, C, ~~or~~ D OR G, section 5-349, section 5-350,
10 subsection C, section 5-393, 5-395, 5-396 or 5-397 and subsection C, F or G
11 of this section or any rule issued thereunder, is guilty of a petty offense.
12 Any person who violates section 5-350, subsection C or subsection C of this
13 section is guilty of a class 2 misdemeanor.

14 B. All peace officers of the state, counties and cities shall enforce
15 ~~the provisions of~~ this chapter and all laws and rules relating to the
16 operation of watercraft.

17 C. In the enforcement of this chapter, the operator of the watercraft
18 upon being hailed by any peace officer shall stop immediately and lay to, or
19 maneuver in such a way as to permit the peace officer to come aboard or
20 alongside. The operator may be ordered ashore to correct any unlawful
21 condition, issued a written warning or written repair order, or issued a
22 citation for any violation of this chapter.

23 D. In the enforcement of this chapter, ~~the provisions of~~ sections
24 13-2506 and 13-3903 ~~shall~~ apply.

25 E. Each failure to obey an order or to comply with a warning order
26 issued under ~~the provisions of~~ subsection C of this section shall constitute
27 a separate offense punishable as a separate violation of this chapter.

28 F. A person is guilty of a class 6 felony who knowingly removes,
29 defaces, obliterates, changes, alters or causes to be removed, defaced,
30 obliterated, changed or altered a factory, engine, serial, outdrive, lower
31 unit, power trim or hull identification number or mark on a watercraft.

32 G. A person is guilty of a class 2 misdemeanor who:

1 1. Knowingly displays or has in ~~his~~ THE PERSON'S possession a
2 fictitious, stolen, revoked or altered certificate of number, department
3 issued number or annual decal.

4 2. Lends to or knowingly permits the use of ~~his~~ THE PERSON'S
5 certificate of number, department issued number or annual decal on a
6 watercraft for which those items have not been issued.

7 H. Upon receipt of notice of conviction of a person under subsection F
8 or G of this section, the department may revoke the numbers and decals issued
9 to the watercraft which was involved in the violation and any other
10 watercraft owned by the person convicted.

11 Sec. 4. Emergency

12 This act is an emergency measure that is necessary to preserve the
13 public peace, health or safety and is operative immediately as provided by
14 law."

15 Amend title to conform

and, as so amended, it do pass

RAY BARNES
Chairman

2024-se-env

1/30/08

H:jmb